

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HEATHER HEWITT,

Plaintiff,

No. 22-11774

v.

Hon. Nancy G. Edmunds

CLEARY UNIVERSITY,

Defendant.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff Heather Hewitt brings this employment discrimination case against Defendant Cleary University, alleging violations of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act ("ADEA"), and Michigan's Elliot-Larsen Civil Rights Act ("ELCRA"). (ECF No. 1.) On August 16, 2022, the Court issued an order giving Plaintiff the opportunity to properly plead the citizenship of Defendant if she chooses to rely on diversity jurisdiction as the Court's basis to hear her state law claims. (ECF No. 4.) Plaintiff filed a timely response to that order, acknowledging that the Court does not have diversity jurisdiction over this case but asking the Court to nonetheless exercise supplemental jurisdiction over her state law claims. (ECF No. 5.) The Court declines doing so to avoid jury confusion. See 28 U.S.C. § 1367(c)(4); *Moor v. Cty. of Alameda*, 411 U.S. 693, 716 (1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994); see also *Provenzano v. LCI Holdings, Inc.*, 663 F.3d 806, 818 (6th Cir. 2011) (observing that the causation standard for a discrimination claim under the ADEA is different than that for the same claim under the ELCRA). Therefore,

pursuant to § 1367(c), Plaintiff's state law claims are hereby DISMISSED WITHOUT PREJUDICE. The Court will retain jurisdiction over Plaintiff's federal claims only.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: October 4, 2022

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 4, 2022, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager